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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,331

12/12/2003

Ronald Yamamoto

MNOAP004

3792

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06/30/2008

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EXAMINER

RAMIREZ, JOHN FERNANDO

ART UNIT

PAPER NUMBER

3737

MAIL DATE

DELIVERY MODE

06/30/2008

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of:
YAMAMOTO, RONALD et al
Serial No. 10/735,331
Filed: Dec. 12, 2003
Docket: MNOAP004
Title: PERCUTANEOUS REMOVAL OF
SENTINEL LYMPH NODE USING
CONTRAST IMAGING FOR
IDENTIFICATION

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition to withdraw the holding of abandonment filed on Jun. 20, 2008. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required. The petitioner requests a withdrawal of the holding of abandonment.

The petition is **GRANTED**.

The present application was held abandoned for failure to timely respond to the Non-Final Rejection mailed on Sep. 5, 2007 which set forth a three-month period for reply. Notice of abandonment was mailed on Mar. 17, 2008.

Petitioner asserts that a timely response to the Non-Final Rejection was timely filed on Mar. 5, 2008 and received by USPTO on Mar. 26, 2008. The petitioner has supplied a copy of the amendment as well as a copy of an acknowledgement post-card receipt indicating a receipt date of Mar. 26, 2008. There was a petition of three-month extension of time fee paid according to USPTO Palm system. The response also included a certificate of mailing dated Mar. 5, 2008. Furthermore, there was a copy of the response scanned in the IFW file dated Mar. 26, 2008.

As the petitioner has provided convincing evidence that a timely reply to the Non-Final Office action was received on Mar. 26, 2008, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed Mar. 17, 2008 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner in Art Unit 3737 for appropriate action.

Frederick R. Schmidt, Director
Technology Center 3700